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easily remedied by the judge making a strict inquiry into the ability of the accused to pay counsel, and only when it was found that the accused was absolutely unable to pay counsel would the case be assigned to the Public Defender and time given him to examine thoroughly into it. Space will not permit us to work out the scheme that a committee of the legislature might perfect, but we refer a discussion of this question to our bar associations and to our lawmakers, believing that if thoroughly studied and worked out a plan might be adopted to make the appointment of such an officer not only feasible, but to the great benefit of the Commonwealth.—From *Virginia Law Register*, December, 1922.

Outcome of a Celebrated Case.—After three trials for murder, each of which resulted in a failure of the jury to agree upon a verdict, the district attorney of Los Angeles has brought about the discharge of Arthur C. Burch, charged with killing J. Belton Kennedy. Upon his release by the court on the district attorney's motion, Burch, at the request of his own attorney, was taken into custody for examination as to his sanity. Of course, it is impossible to say in advance of the investigation whether Burch will be found insane. It is sufficient to know that Burch's father regards his son as insane and that Burch's attorney, after fighting for a year to prevent his conviction for willful murder, has insisted upon an official inquiry into his condition.

This question naturally arises: Why, after many months of legal effort and after three formal and expensive jury trials, is Burch's mental state still a matter of doubt? Something is grievously wrong with a system of criminal prosecution which persistently works upon the theory that an accused man is sane without first establishing beyond doubt whether he is sane or insane. The question of mental soundness in a given case is not so obscure in these days of carefully established scientific tests that doubt should linger and juries, because of that doubt, should disagree time after time. Burch's attorney is quoted as saying: "I am convinced that Burch is insane and have been convinced of it ever since I talked to him first more than a year ago." And the attorney added: "I consider it dangerous to let him be at large."

If it is dangerous for Burch to be at large that danger might have been discovered before the death of the man whom he was accused of slaying from ambush. Whether Burch is insane or not, it is certain that many dangerous mental defectives who are potential criminals now enjoy their liberty.

The investigation of Burch's condition may or may not help to bring home to lawmakers, prosecutors and judges the duty resting upon them of dealing intelligently and effectively with the long-neglected problem of insanity left free to manifest itself in criminal deeds. Innocent persons are entitled to protection from irresponsible types of human beings who act on irrational impulses, being devoid of those natural emotions which restrain sane minds from senseless crimes. This subject has been left so long in the fog that followers of precedent are loath to give it the serious consideration its importance insistently demands.

Crime statistics abundantly prove that persons of low mentality are the most persistent, the most cold-blooded and the most depraved criminals. To restore them to freedom time after time is merely to license them to commit further crimes, since the penalties established for rational beings have no restraining effect upon minds incapable of rational thought.—From the *Chicago Daily News*, December 6, 1922.